



82D CONGRESS
2D SESSION

S. 658

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1952

Ordered to be printed with the amendment of the House of Representatives

AN ACT

To further amend the Communications Act of 1934.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as "*Communications Act Amend-*
4 *ments, 1951*".

5 SEC. 2. Subsection (o) of section 3 of the Communica-
6 tions Act of 1934, as amended, is amended to read as
7 follows:

8 "*(o) 'Broadcasting' means the dissemination of radio*
9 *communications intended to be received directly by the gen-*
10 *eral public.*"

11 SEC. 3. Section 3 of such Act is further amended by
12 adding after subsection (aa) the following:

1 “(bb) The term ‘license’, ‘station license’, or ‘radio
2 station license’ means that instrument of authorization re-
3 quired by this Act or the rules and regulations of the Com-
4 missioner made pursuant to this Act, for the use or operation
5 of apparatus for transmission of energy, or communications,
6 or signals by radio, by whatever name the instrument
7 may be designated by the Commission.

8 “(cc) The term ‘broadcast station’, ‘broadcasting sta-
9 tion’, or ‘radio broadcast station’ means a radio station
10 equipped to engage in broadcasting as herein defined.

11 “(dd) The term ‘construction permit’ or ‘permit for
12 construction’ means that instrument of authorization re-
13 quired by this Act or the rules and regulations of the
14 Commission made pursuant to this Act for the installa-
15 tion of apparatus for the transmission of energy, or com-
16 munications, or signals by radio, by whatever name the
17 instrument may be designated by the Commission.

18 SEC. 4. (a) Subsection (b) of section 4 of such Act,
19 am amended, is amended by striking out the last two sen-
20 tences thereof and inserting in lieu thereof the following:
21 “Such Commissioners shall not engage in any other busi-
22 ness, vocation, profession, or employment but this shall not
23 apply to the preparation of technical or professional pub-
24 lications for which reasonable honorarium or compensation
25 may be paid. Any such Commissioner serving as such

1 after one year from the date of enactment of the Commu-
2 nications Act amendments, 1951, shall not for a period
3 of one year following the termination of his services as
4 a Commissioner represent before the Commission in a pro-
5 fessional capacity any person, including all persons under
6 common control, subject to the provisions of this Act,
7 except that this restriction shall not apply to any Commis-
8 sioner who has served the full term for which he was ap-
9 pointed. Not more than four members of the Commission
10 shall be members of the same political party."

11 ~~(b)~~ Subsection ~~(f)~~ ~~(1)~~ of section 4 of such Act is
12 amended to read as follows:

13 "~~(f)~~ ~~(1)~~ Without regard to the civil-service laws or
14 the Classification Act of 1949, as amended, ~~(1)~~ the Com-
15 mission may appoint and prescribe the duties and fix the
16 salaries of a secretary, a chief engineer and not more than
17 two assistants, a chief accountant and not more than two
18 assistants, a general counsel and not more than two assistants,
19 and counsel temporarily employed and designated by the
20 Commission for the performance of specific special services;
21 and ~~(2)~~ each Commissioner may appoint and prescribe the
22 duties of a legal assistant at an annual salary to be fixed
23 by the Commissioner but not to exceed \$10,000 and a
24 secretary at an annual salary not to exceed \$5,600. The
25 chief engineer, the chief accountant, and the general coun-

1 set shall each receive an annual salary of not to exceed
 2 \$11,200; the secretary shall receive an annual salary of
 3 not to exceed \$10,000; and no assistant shall receive an
 4 annual salary in excess of \$10,000: *Provided*, That on
 5 and after one year from the date of enactment of Com-
 6 munications Act Amendments, 1951, the secretary of the
 7 Commission, the chief engineer and his assistants, the chief
 8 accountant and his assistants, the general counsel and his
 9 assistants, the chief of each integrated division and his as-
 10 sistant, and the legal assistants to each Commissioner
 1 shall not, for the period of one year next following the
 12 cessation of their employment with the Commission, represent
 13 before the Commission in a professional capacity any person,
 14 including all persons under common control, subject to the
 15 provisions of this Act. The Commission shall have authority,
 16 subject to the provisions of the civil-service laws and the
 17 Classification Act of 1949, as amended, to appoint such other
 18 officers, engineers, accountants, attorneys, inspectors, ex-
 19 aminers, and other employees as are necessary in the execu-
 20 tion of its functions."

21 ~~(e)~~ The first sentence of subsection ~~(g)~~ of section 4
 22 of such Act, as amended, is amended to read as follows:

23 ~~"(g)~~ The Commission may make such expenditures
 24 ~~(including expenditures for rent and personal services at~~
 25 the seat of government and elsewhere, for office supplies,

1 law books, periodicals, and books of reference, for printing
2 and binding, for land for use as sites for radio monitoring
3 stations and related facilities, including living quarters where
4 necessary in remote areas, for the construction of such sta-
5 tions and facilities, and for the improvement, furnishing,
6 equipping, and repairing of such stations and facilities and
7 of laboratories and other related facilities (including con-
8 struction of minor subsidiary buildings and structures not
9 exceeding \$25,000 in any one instance) used in connection
10 with technical research activities), as may be necessary for
11 the execution of the functions vested in the Commission and
12 as from time to time may be appropriated for by Congress."

13 ~~(d)~~ Subsection ~~(k)~~ of section 4 of such Act is amended
14 to read as follows:

15 ~~"(k)~~ The Commission shall make an annual report to
16 Congress, copies of which shall be distributed as are other
17 reports transmitted to Congress. Such reports shall
18 contain—

19 ~~"(1)~~ such information and data collected by the
20 Commission as may be considered of value in the deter-
21 mination of questions connected with the regulation of
22 interstate and foreign wire and radio communication
23 and radio transmission of energy.

24 ~~"(2)~~ such information and data concerning the
25 functioning of the Commission as will be of value to

1 Congress in appraising the amount and character of the
2 work and accomplishments of the Commission and the
3 adequacy of its staff and equipment: *Provided*, That the
4 first and second annual reports following the date of en-
5 actment of Communications Act Amendments, 1951,
6 shall set forth in detail the number and caption of pend-
7 ing applications requesting approval of transfer of control
8 or assignment of a station license, or construction per-
9 mits for new stations, or for increases in power, or for
10 changes of frequency of existing stations at the begin-
11 ning and end of the period covered by such reports;

12 “(3) information with respect to all persons taken
13 into the employment of the Commission during the year
14 covered by the report, including names, pertinent bio-
15 graphical data and experience, Commission positions
16 held and compensation paid, together with the names of
17 those persons who have left the employ of the Commis-
18 sion during such year: *Provided*, That the first annual
19 report following the date of enactment of Communica-
20 tions Act Amendments, 1951, shall contain such infor-
21 mation with respect to all persons in the employ of the
22 Commission at the close of the year for which the report
23 is made;

24 “(4) an itemized statement of all funds expended
25 during the preceding year by the Commission, of the

1 sources of such funds, and of the authority in this Act
2 or elsewhere under which such expenditures were made;
3 and

4 “(5) specific recommendations to Congress as to
5 additional legislation which the Commission deems
6 necessary or desirable, including all legislative proposals
7 submitted for approval to the Director of the Budget.”

8 SEC. 5. Section 5 of such Act, as amended, is amended
9 to read as follows:

10 “ORGANIZATION OF THE COMMISSION

11 “SEC. 5. (a) The member of the Commission designated
12 by the President as Chairman shall be the chief executive
13 officer of the Commission. It shall be his duty to preside
14 at all meetings and sessions of the Commission, to represent
15 the Commission in all matters relating to legislation and
16 legislative reports except that any Commissioner may pre-
17 sent his own or minority views or supplemental reports,
18 to represent the Commission in all matters requiring con-
19 ferences or communications with other governmental officers,
20 departments or agencies, and generally to coordinate and
21 organize the work of the Commission in such manner as
22 to promote prompt and efficient disposition of all matters
23 within the jurisdiction of the Commission. In the case
24 of a vacancy in the office of the Chairman of the Com-
25 mission, or the absence or inability of the Chairman to

1 serve, the Commission may temporarily designate and ap-
2 point one of its members to act as Chairman until the cause
3 or circumstance requiring such service shall have been elimi-
4 nated or corrected.

5 “(b) Within sixty days after the enactment of the
6 Communications Act Amendments, 1951, and from time
7 to time thereafter as the Commission may find necessary,
8 the Commission shall organize its legal, engineering, and
9 accounting staff into (1) integrated divisions, to func-
10 tion on the basis of the Commission's principal workload
11 operations; and (2) into such other divisional organizations
12 as the Commission may deem necessary to handle that part
13 of its workload which cuts across more than one integrated
14 division or which does not lend itself to the integrated
15 division set-up. Each such integrated division and divisional
16 organization shall include such legal, engineering, accounting,
17 administrative, and clerical personnel as the Commission may
18 determine to be necessary to perform its functions. The
19 general counsel, the chief engineer, and the chief accountant
20 and their respective assistants shall carry out their respective
21 duties under such rules and regulations as the Commission
22 may prescribe. The Commission shall establish a staff,
23 directly responsible to it, which shall include such legal,
24 engineering, and accounting personnel as the Commission
25 deems necessary, whose duty shall be to prepare such drafts

1 of Commission decisions, orders, and other memoranda as
2 the Commission, in the exercise of its quasi-judicial duties,
3 may from time to time direct: *Provided*, That no member
4 of such staff shall participate in a hearing or represent the
5 Commission, directly or indirectly, in any prosecutory or
6 investigatory function or proceeding.

7 “(e) Except as provided in section 409 hereof, the Com-
8 mission, when necessary to the proper functioning of the
9 Commission and the prompt and orderly conduct of its busi-
10 ness, is hereby authorized and directed to assign or refer any
11 portion of its work, business, or functions to an individual
12 Commissioner or Commissioners or to a board composed of
13 one or more employees of the Commission, to be designated
14 by such order for action thereon, and by its further order at
15 any time to amend, modify, or rescind any such order or
16 reference: *Provided*, That this authority shall not extend to
17 duties otherwise specifically imposed by this or any other
18 Act of Congress. Any order, decision, or report made or
19 other action taken pursuant to any such order or reference
20 shall have the same force and effect and may be made,
21 evidenced, and enforced as is made by the Commission:
22 *Provided, however*, That any person aggrieved by any such
23 order, decision, or report may file a petition for review by the
24 Commission, and every such petition shall be passed upon

1 by the Commission. The secretary and seal of the Com-
2 mission shall be the secretary and seal of such individual
3 Commissioner or board.

4 “(d) Meetings of the Commission shall be held at regu-
5 lar intervals, not less frequently than once each calendar
6 month, at which times the functioning of the Commission
7 and the handling of its work load shall be reviewed and such
8 orders shall be entered and other action taken as may be
9 necessary or appropriate to expedite the prompt and orderly
10 conduct of the business of the Commission with the objective
11 of rendering a final decision (1) within three months from
12 the date of filing in all original application, renewal, and
13 transfer cases and (2) within six months from the final date
14 of the hearing in all hearing cases; and the Commission
15 shall promptly report to the Congress each such case which
16 has been pending before it more than such three- or six-
17 month period, respectively, stating the reasons therefor.”

18 SEC. 6. Subsection (d) of section 307 of such Act is
19 amended to read as follows:

20 “(d) No license granted for the operation of a broad-
21 casting station shall be for a longer term than three years
22 and no license so granted for any other class of station shall
23 be for a longer term than five years, and any license granted
24 may be revoked as hereinafter provided. Upon the expira-
25 tion of any license, upon application therefor, a renewal of

1 such license may be granted from time to time for a term
2 of not to exceed three years in the case of broadcasting
3 licenses and not to exceed five years in the case of other
4 licenses if the Commission finds that public interest, con-
5 venience and necessity would be served thereby."

6 SEC. 7. So much of subsection ~~(a)~~ of section 308 of
7 such Act as precedes the second proviso is amended to read
8 as follows: "The Commission may grant instruments of
9 authorization entitling the holders thereof to construct or
10 operate apparatus for the transmission of energy, or com-
11 munications, or signals by radio or modifications or renewals
12 thereof, only upon written application therefor received by
13 it: *Provided*, That ~~(1)~~ in cases of emergency found by
14 the Commission involving danger to life or property or
15 due to damage to equipment, or ~~(2)~~ during a national
16 emergency proclaimed by the President or declared by
17 the Congress and during the continuance of any war in which
18 the United States is engaged and when such action is neces-
19 sary for the national defense or security or otherwise in
20 furtherance of the war effort, the Commission may grant
21 and issue authority to construct or operate apparatus for
22 the transmission of energy or communications or signals
23 by radio during the emergency so found by the Commis-
24 sion or during the continuance of any such national emergency
25 or war, in such manner and upon such terms and condi-

1 tions as the Commission shall by regulation prescribe, and
 2 without the filing of a formal application, but no such author-
 3 ity shall be granted for a period beyond the period of
 4 the emergency requiring it nor remain effective beyond
 5 such period.”.

6 SEC. 8. Section 309 of such Act, as amended, is amended
 7 to read as follows:

8 “HEARINGS ON APPLICATIONS FOR LICENSES; FORM OF
 9 LICENSES; CONDITIONS ATTACHED TO LICENSES

10 “SEC. 309. (a) If upon examination of any application
 11 provided for in section 308 the Commission shall determine
 12 that public interest, convenience, and necessity would be
 13 served by the granting thereof, it shall authorize the issuance
 14 of the instrument of authorization for which application is
 15 made in accordance with said finding.

16 “(b) If upon examination of any such application the
 17 Commission is unable to make the finding specified in sub-
 18 section (a) of this section, it shall forthwith notify the ap-
 19 plicant and other known parties in interest of the grounds
 20 and reasons for its inability to make such finding. Such
 21 notice, which shall precede formal designation for a hearing,
 22 shall advise the applicant and all other known parties in
 23 interest of all objections made to the application as well as
 24 the source and nature of such objections. Following such
 25 notice, the applicant shall be given an opportunity to reply.

1 If the Commission, after considering such reply, shall be
2 unable to make the finding specified in subsection (a) of
3 this section, it shall formally designate the application
4 for hearing on the grounds or reasons then obtaining and
5 shall notify the applicant and all other known parties in
6 interest of such action and the grounds and reasons therefor,
7 specifying with particularity the matters and things in issue
8 but not including issues or requirements phrased generally.
9 The parties in interest, if any, who are not notified by the
10 Commission of its action with respect to a particular applica-
11 tion may acquire the status of a party to the proceeding
12 thereon by filing a petition for intervention showing the basis
13 for their interest at any time not less than ten days prior to
14 the date of hearing. Any hearing subsequently held upon
15 such application shall be a full hearing in which the appli-
16 cant and all other parties in interest shall be permitted to
17 participate but in which both the burden of proceeding with
18 the introduction of evidence upon any issue specified by the
19 Commission, as well as the burden of proof upon all such
20 issues, shall be upon the applicant.

21 “(c) When any instrument of authorization is granted
22 by the Commission without a hearing as provided in subsec-
23 tion (a) hereof, such grant shall remain subject to protest as
24 hereinafter provided for a period of thirty days. During
25 such thirty-day period any party in interest may file a pro-

1 test under oath directed to such grant and request a hearing
2 on said application so granted. Any protest so filed shall
3 contain such allegations of fact as will show the protestant
4 to be a party in interest and shall specify with particularity
5 the facts, matters, and things relied upon, but shall not in-
6 clude issues or allegations phrased generally. The Commis-
7 sion shall, within fifteen days from the date of the filing of
8 such protest, enter findings as to whether such protest meets
9 the foregoing requirements and if it so finds the application
10 involved shall be set for hearing upon the issues set forth
11 in said protest, together with such further specific issues, if
12 any, as may be prescribed by the Commission. In any hear-
13 ing subsequently held upon such application all issues speci-
14 fied by the Commission shall be tried in the same manner
15 provided in subsection (b) hereof but with respect of all
16 issues set forth in the protest and not specifically adopted by
17 the Commission, both the burden of proceeding with the
18 introduction of evidence and the burden of proof shall be
19 upon the protestant. The hearing and determination of
20 cases arising under this subsection shall be expedited by the
21 Commission and pending hearing and decision the effective
22 date of the Commission's action to which protest is made
23 shall be postponed to the effective date of the Commission's
24 decision after hearing, unless the authorization involved is
25 necessary to the maintenance or conduct of an existing

1 service, in which event the Commission shall authorize the
2 applicant to utilize the facilities or authorization in question
3 pending the Commission's decision after hearing.

4 “(d) Such station licenses as the Commission may
5 grant shall be in such general form as it may prescribe, but
6 each license shall contain, in addition to other provisions, a
7 statement of the following conditions to which such license
8 shall be subject: (1) The station license shall not vest in
9 the licensee any right to operate the station nor any right in
10 the use of the frequencies designated in the license beyond
11 the term thereof nor in any other manner than authorized
12 therein; (2) neither the license nor the right granted there-
13 under shall be assigned or otherwise transferred in violation
14 of this Act; (3) every license issued under this Act shall be
15 subject in terms to the right of use or control conferred
16 by section 606 hereof.”

17 SEC. 9. Subsection (b) of section 310 of said Act is
18 amended to read as follows:

19 “(b) No instrument of authorization granted by the
20 Commission entitling the holder thereof to construct or to
21 operate radio apparatus and no rights granted thereunder
22 shall be transferred, assigned, or disposed of in any manner,
23 voluntarily or involuntarily, directly or indirectly, or by
24 transfer of control of any corporation holding such instru-
25 ment of authorization, to any person except upon application

1 to the Commission and upon finding by the Commission that
2 the proposed transferee or assignee possesses the qualifica-
3 tions required of an original permittee or licensee. The
4 procedure for handling such application shall be that pro-
5 vided in section 309."

6 SEC. 10. Section 311 of such Act, as amended, is
7 amended to read as follows:

8 "SEC. 311. The Commission is hereby directed to refuse
9 a station license and/or the permit hereinafter required for
10 the construction of a station to any person (or to any per-
11 son directly or indirectly controlled by such person) whose
12 license has been revoked by a court under section 313."

13 SEC. 11. Section 312 of such Act, as amended, is
14 amended to read as follows:

15 ~~"REVOCATION OF LICENSES; CEASE-AND-DESIST ORDERS~~

16 "SEC. 312. (a) Any station license may be revoked
17 (1) because of conditions coming to the attention of the
18 Commission since the granting of such license which would
19 have warranted the Commission in refusing to grant such
20 license, or (2) for violation or failure to observe any of
21 the restrictions or provisions of a treaty ratified by the
22 United States, or (3) for violation of or failure to observe
23 the terms and conditions of any cease-and-desist order issued
24 by the Commission pursuant to subsection (b) hereof. The
25 Commission may institute a revocation proceeding by serv-

1 ing upon the licensee an order to show cause why its license
 2 should not be revoked. Said orders shall contain a statement
 3 of the particulars and matters with respect to which the
 4 Commission is inquiring and shall call upon the licensee to
 5 appear before the Commission at a time and place therein
 6 stated, but in no event less than thirty days after receipt
 7 of such notice, and give evidence upon the matter specified
 8 in said order: *Provided*, That where safety of life or prop-
 9 erty is involved, the Commission may by order provide for
 10 a shorter period of notice. If, after hearing, or a waiver
 11 thereof by the licensee, the Commission determines that a
 12 revocation order should issue, it shall make a report in
 13 writing stating the findings of the Commission and the
 14 grounds and reasons therefor and shall cause the same to
 15 be served on said licensee, together with such order.

16 “(b) Where any person (1) has failed to operate sub-
 17 stantially as set forth in an instrument of authorization, or
 18 (2) has failed to observe any of the restrictions and con-
 19 ditions of this Act or of a treaty ratified by the United
 20 States, or (3) has violated or failed to observe any rule
 21 or regulation of the Commission authorized by this Act,
 22 the Commission may institute a proceeding by serving upon
 23 such person an order to show cause why it should not cease
 24 and desist from such action. Said order shall contain a

1 statement of the particulars and matters with respect to
2 which the Commission is inquiring and shall call upon
3 such person to appear before the Commission at a time
4 and place therein stated, but in no event less than thirty days
5 after receipt of such notice, and give evidence upon the
6 matter specified in said order. If, after hearing, or a waiver
7 thereof by such person, the Commission determines that a
8 cease-and-desist order should be issued, it shall make a report in
9 writing stating the findings of the Commission and the
10 grounds and reasons therefor and shall cause the same to be
11 served on said person, together with such order.

12 SEC. 12. Part I of title III of such Act is amended by
13 adding the following new section:

14 "MODIFICATION BY COMMISSION OF CONSTRUCTION

15 PERMITS OR LICENSES

16 "SEC. 330. (a) Any station license granted under the
17 provisions of this Act or the construction permit required
18 thereby may be modified by the Commission either for a
19 limited time or for the duration of the term thereof, if in
20 the judgment of the Commission such action will promote
21 the public interest, convenience, and necessity, or the pro-
22 visions of this Act or of any treaty ratified by the United
23 States will be more fully complied with: *Provided*, That no
24 such order or modification shall become final until the holder
25 of such outstanding license or permit shall have been notified

1 in writing of the proposed action and the grounds and
 2 reasons therefor, and shall have been given reasonable oppor-
 3 tunity, in no event less than thirty days, to show cause by
 4 public hearing, if requested, why such order of modification
 5 should not issue: *Provided*, That where safety of life or
 6 property is involved, the Commission may by order provide
 7 for a shorter period of notice.

8 “(b) In any case where a hearing is conducted pur-
 9 suant to the provisions of this section or section 312, both
 10 the burden of proceeding with the introduction of evidence
 11 and the burden of proof shall be upon the Commission.”

12 SEC. 13. Part I of title III of such Act is amended by
 13 adding the following new section:

14 “LIMITATIONS ON QUASI-JUDICIAL POWERS

15 “SEC. 331. No license granted and issued under the
 16 authority of this Act for the operation of any radio station
 17 shall be modified by the Commission, except in the manner
 18 provided in section 330 (a) hereof, and no such license
 19 may be revoked, terminated, or otherwise invalidated by the
 20 Commission, except in the manner and for the reasons pro-
 21 vided in section 312 (a) hereof. When application is
 22 made for renewal of an existing license, which cannot
 23 be disposed of by the Commission under the provisions of
 24 section 309 (a) hereof, the Commission shall employ the
 25 procedure specified in section 309 (b) hereof, except that in

1 any hearing subsequently held upon such application the
 2 burden of proceeding with the evidence and of substantiat-
 3 ing the grounds and reasons specified by the Commission
 4 in the formal notice of hearing issued pursuant to section
 5 309 (b) hereof shall be upon the appropriate division
 6 established by the Commission under the provisions of
 7 section 5 (b) hereof or upon any party or parties who
 8 may oppose such renewal; but as a condition precedent
 9 to the renewal the Commission shall affirmatively find
 10 that the public interest, convenience and necessity will be
 11 served by such renewal. Pending such hearing and final
 12 decision pursuant thereto the Commission shall continue
 13 such license in effect."

14 SEC. 14. The heading of section 401 of such Act is
 15 amended to read:

16 "JURISDICTION TO ENFORCE ACT AND ORDERS OF
 17 COMMISSION; DECLARATORY ORDERS"

18 and such section is amended by adding at the end thereof
 19 a new subsection (e) as follows:

20 "(e) The Commission is authorized, in its sound dis-
 21 cretion and with like effect as in the case of other orders,
 22 to issue a declaratory order to terminate a controversy
 23 or remove uncertainty. Notwithstanding the provisions
 24 of section 5 (d) of the Act of June 11, 1946 (60 Stat.
 25 239) declaratory orders shall be issued only upon the

1 petition of, and after notice to and opportunity for hear-
2 ing by, persons who are bona fide applicants for, or the
3 holders of, construction permits or licenses, or otherwise
4 subject to the jurisdiction of the Commission, and shall
5 not bind or affect the rights of persons who are not parties
6 to such proceedings. Such orders shall be available to
7 declare rights and other legal relations arising under the
8 provisions of any treaty ratified by the United States,
9 under any provision of this Act, or under any order, rule,
10 regulation, term, condition, limitation, or requirement issued,
11 promulgated, or adopted by the Commission, whether or
12 not involving failure to comply therewith."

13 SEC. 15. Section 402 of such Act is amended to read
14 as follows:

15 "SEC. 402. (a) The provisions of the Act of June
16 25, 1948 (62 Stat. 992), as amended, relating to the
17 enforcing or setting aside of orders of the Interstate Com-
18 merce Commission are hereby made applicable to suits
19 to enforce, enjoin, set aside, annul, or suspend any order
20 of the Commission under this Act (except those appeal-
21 able under the provisions of subsection (b) hereof), and
22 such suits are hereby authorized to be brought as pro-
23 vided in that Act. In addition to the venues specified
24 in that Act, suits to enjoin, set aside, annul, or suspend,
25 but not to enforce, any such order of the Commission may

1 also be brought in the United States District Court for
2 the District of Columbia.

3 “(b) Appeals may be taken from decisions and orders
4 of the Commission to the United States Court of Appeals
5 for the District of Columbia in any of the following cases:

6 “(1) By any applicant for any instrument of
7 authorization required by this Act, or the regulations of
8 the Commission made pursuant to this Act, for the con-
9 struction or operation of apparatus for the transmission
10 of energy, or communications, or signals by radio, whose
11 application is denied by the Commission.

12 “(2) By any applicant for the renewal or modi-
13 fication of any such instrument of authorization whose
14 application is denied by the Commission.

15 “(3) By any party to an application for authority
16 to assign any such instrument of authorization or to
17 transfer control of any corporation holding such instru-
18 ment of authorization whose application is denied by
19 the Commission.

20 “(4) By any applicant for the permit required by
21 section 325 of this Act whose application has been denied
22 by the Commission or any permittee under said section
23 whose permit has been revoked by the Commission.

24 “(5) By the holder of any instrument of authori-
25 zation required by this Act, or the regulations of the

1 Commission made pursuant to this Act, for the con-
2 struction or operation of apparatus for the transmission
3 of energy, or communications or signals by radio, which
4 instrument has been modified or revoked by the
5 Commission.

6 “(6) By any other person who is aggrieved or
7 whose interests are adversely affected by any order of
8 the Commission granting or denying any application
9 described in paragraphs (1), (2), (3), and (4)
10 hereof.

11 “(7) By any person upon whom an order to cease
12 and desist has been served under section 312 (b) of
13 this Act.

14 “(8) By any party to a proceeding under section
15 401 who is aggrieved or whose interests are adversely
16 affected by a declaratory order entered by the
17 Commission.

18 “(9) By any radio operator whose license has been
19 suspended by the Commission.

20 “(c) Such appeal shall be taken by filing a notice of
21 appeal with the court within thirty days after the entry
22 of the order complained of. Such notice of appeal shall
23 contain a concise statement of the nature of the proceedings
24 as to which the appeal is taken; a concise statement of the
25 reasons on which the appellant intends to rely, separately

1 stated and numbered; and proof of service of a true copy
2 of said notice and statement upon the Commission. Upon
3 filing of such notice, the court shall have exclusive juris-
4 diction of the proceedings and of the questions determined
5 therein and shall have power, by order, directed to the Com-
6 mission or any other party to the appeal, to grant such
7 temporary relief as it may deem just and proper. Orders
8 granting temporary relief may be either affirmative or nega-
9 tive in their scope and application so as to permit either the
10 maintenance of the status quo in the matter in which the
11 appeal is taken or the restoration of a position or status
12 terminated or adversely affected by the order appealed from
13 and shall, unless otherwise ordered by the court, be effective
14 pending hearing and determination of said appeal and com-
15 pliance by the Commission with the final judgment of the
16 court rendered in said appeal.

17 “(d) Upon the filing of any such notice of appeal the
18 Commission shall, not later than five days after the date
19 of service upon it, notify each person shown by the records
20 of the Commission to be interested in said appeal of the
21 filing and pendency of the same and shall thereafter permit
22 any such person to inspect and make copies of said notice
23 and statement of reasons therefor at the office of the Com-
24 mission in the city of Washington. Within thirty days after

1 the filing of an appeal, the Commission shall file with the
2 court a copy of the order complained of, a full statement in
3 writing of the facts and grounds relied upon by it in support
4 of the order involved upon said appeal, and the originals or
5 certified copies of all papers and evidence presented to and
6 considered by it in entering said order.

7 “(e) Within thirty days after the filing of an appeal
8 any interested person may intervene and participate in the
9 proceedings had upon said appeal by filing with the court
10 a notice of intention to intervene and a verified statement
11 showing the nature of the interest of such party, together
12 with proof of service of true copies of said notice and state-
13 ment, both upon appellant and upon the Commission. Any
14 person who would be aggrieved or whose interest would be
15 adversely affected by a reversal or modification of the order
16 of the Commission complained of shall be considered an
17 interested party.

18 “(f) The record and briefs upon which any such appeal
19 shall be heard and determined by the court shall contain
20 such information and material, and shall be prepared within
21 such time and in such manner as the court may by rule
22 prescribe.

23 “(g) At the earliest convenient time the court shall hear

1 and determine the appeal upon the record before it in the
2 manner prescribed by section 10 (c) of the Act of June 11,
3 1946 (60 Stat. 243).

4 “(h) In the event that the court shall render a decision
5 and enter an order reversing the order of the Commission,
6 it shall remand the case to the Commission to carry out the
7 judgment of the court and it shall be the duty of the Com-
8 mission, in the absence of the proceedings to review such
9 judgment, to forthwith give effect thereto, and unless other-
10 wise ordered by the court, to do so upon the basis of the
11 proceedings already had and the record upon which said
12 appeal was heard and determined.

13 “(i) The court may, in its discretion, enter judgment
14 for costs in favor of or against an appellant, or other inter-
15 ested parties intervening in said appeal, but not against the
16 Commission, depending upon the nature of the issues in-
17 volved upon said appeal and the outcome thereof.

18 “(j) The court’s judgment shall be final, subject, how-
19 ever, to review by the Supreme Court of the United States
20 as hereinafter provided—

21 “(1) an appeal may be taken direct to the Supreme
22 Court of the United States in any case wherein the juris-
23 diction of the court is invoked, or sought to be invoked,
24 for the purpose of reviewing any decision or order
25 entered by the Commission in proceedings instituted by

the Commission which have as their object and purpose the revocation of an existing license or any decision or order entered by the Commission in proceedings which involve the failure or refusal of the Commission to renew an existing license. Such appeal shall be taken by the filing of an application therefor or notice thereof within thirty days after the entry of the judgment sought to be reviewed, and in the event such an appeal is taken the record shall be made up and the case docketed in the Supreme Court of the United States within sixty days from the time such an appeal is allowed under such rules as may be prescribed;

“(2) in all other cases, review by the Supreme Court of the United States shall be upon writ of certiorari on petition therefor under section 240 of the Judicial Code, as amended, by the appellant, by the Commission, or by any interested party intervening in the appeal, or by certification by the court pursuant to the provision of section 239 of the Judicial Code, as amended.”

SEC. 16. The heading of section 405 of such Act is amended to read:

“REHEARINGS BEFORE COMMISSION

and such section is amended to read as follows:

“SEC. 405. (a) After a decision, order, or requirement

1 has been made by the Commission in any proceeding, any
2 party thereto, or any other person aggrieved or whose inter-
3 ests are adversely affected thereby, may petition for rehear-
4 ing. Petitions for rehearing must be filed within thirty days
5 from the entry of any decision, order, or requirement com-
6 plained of and except for those cases in which the decision,
7 order, or requirement challenged is necessary for the mainte-
8 nance or conduct of an existing service, the filing of such a
9 petition shall automatically stay the effective date thereof
10 until after decision on said petition. The filing of a petition
11 for rehearing shall not be a condition precedent to judicial
12 review of any such decision, order, or requirement, except
13 where the party seeking such review was not a party to the
14 proceedings resulting in such decision, order, or requirement,
15 or where the party seeking such review relies on questions of
16 fact or law upon which the Commission has been afforded no
17 opportunity to pass. Rehearings shall be governed by such
18 general rules as the Commission may establish: *Provided,*
19 That, except for newly discovered evidence or evidence
20 otherwise available only since the original taking of evidence,
21 no evidence shall be taken on any rehearing. The time
22 within which an appeal must be taken under section 402
23 (b) hereof shall be computed from the date upon which
24 orders are entered disposing of all petitions for rehearing
25 filed in any case, but any decision, order, or requirement

1 made after such rehearing reversing, changing, or modifying
2 the original determination shall be subject to the same pro-
3 visions with respect to rehearing as an original order."

4 SEC. 17. Section 409 (a) of such Act is amended to
5 read as follows:

6 "SEC. 409. (a) Notwithstanding the provisions of sec-
7 tion 7 (a) of the Act of June 11, 1946 (60 Stat. 241),
8 all cases in which a hearing is required by the provisions
9 of this Act or by other applicable provisions of law shall
10 be conducted by the Commission or by one or more examiners
11 provided for in section 11 of the Act of June 11, 1946
12 (60 Stat. 244), designated by the Commission. The officer
13 or officers presiding at any such hearing shall have the same
14 authority and duties exercised in the same manner and sub-
15 ject to the same conditions specified in section 7 of that Act.

16 "(b) Notwithstanding the provisions of section 8 of the
17 Act of June 11, 1946 (60 Stat. 242), the officer or officers
18 conducting a hearing shall prepare and file an intermediate
19 report. In all such cases the Commission shall permit the
20 filing of exceptions to such intermediate report by any party
21 to the proceeding and shall, upon request, hear oral argument
22 on such exceptions before the entry of any final decision,
23 order, or requirement. All decisions, including the inter-
24 mediate report, shall become a part of the record and shall
25 include a statement of (1) findings and conclusions, as well

1 as the basis therefor, upon all material issues of fact, law,
2 or discretion, presented on the record; and ~~(2)~~ the appro-
3 priate decision, order, or requirement.

4 “~~(c)~~ Notwithstanding the provisions of section 5 ~~(c)~~ of
5 the Act of June 11, 1946 (60 Stat. 239), no officer conduct-
6 ing a hearing pursuant to ~~(a)~~ and ~~(b)~~ hereof shall, except
7 to the extent required for the disposition of ex parte matters
8 as authorized by law, consult any person or party on any
9 fact or question of law in issue, unless upon notice and
10 opportunity for all parties to participate; nor shall such
11 officer be responsible to or subject to the supervision or direc-
12 tion of any other person engaged in the performance of
13 investigative, prosecuting, or other functions for the Com-
14 mission or any other agency of the Government. No person
15 or persons engaged in the performance of investigative or
16 prosecuting functions for the Commission or for any other
17 agency of the Government shall participate or advise in the
18 proceedings described in ~~(a)~~ and ~~(b)~~ hereof, except as a
19 witness or counsel in public proceedings. The Commission
20 shall not employ attorneys or other persons for the purpose
21 of reviewing transcripts or preparing intermediate reports
22 of final decisions, except that this shall not apply to the
23 review staff provided by subsection 5 ~~(b)~~ and to legal
24 assistants assigned separately to a Commission member who
25 may, for such Commission member, review such transcripts

1 and prepare such drafts. No intermediate report shall be
 2 reviewed either before or after its publication by any person
 3 other than a member of the Commission or his legal assist-
 4 ant, as above provided, and no examiner, who conducts a
 5 hearing, shall advise or consult with the Commission with
 6 respect to his intermediate report or with respect to excep-
 7 tions taken to his findings, rulings, or recommendations."

8 (b) Subsections (b), (c), (d), (e), (f), (g), (h),
 9 (i), and (j) of section 409 are amended to read subsec-
 10 tions (d), (e), (f), (g), (h), (i), (j), (k), and (l),
 11 respectively.

12 SEC. 18. Section 414 of such Act is amended by adding
 13 at the end thereof the following: "Except as specifically
 14 provided in this Act the provisions of the Act of June 11,
 15 1946 (60 Stat. 237) shall apply in all proceedings under
 16 this Act."

17 SEC. 19. Chapter 63 of the Criminal Code, title 18, is
 18 amended by inserting a new section as follows:

19 "FRAUD BY RADIO

20 "SEC. 1343. Whoever, having devised or intending to
 21 devise any scheme or artifice to defraud, or for obtaining
 22 money or property by means of false or fraudulent pre-
 23 tenses, representations, or promises, shall transmit or cause
 24 to be transmitted by means of radio communication or inter-
 25 state wire communication, any writings, signs, signals, pic-

1 tures, or sounds for the purpose of executive such scheme
2 or artifice, or whoever operating any radio station for which
3 a license is required by any law of the United States, know-
4 ingly permits the transmission of any such communication;
5 shall be fined not more than \$10,000 or imprisoned not more
6 than five years, or both."

7 SEC. 20. If any provision of this Act or the application
8 thereof to any person or circumstance is held invalid, the
9 remainder of the Act and the application of such provision
10 to other persons or circumstances shall not be affected
11 thereby.

12 That this Act may be cited as the "Communications Act
13 Amendments, 1952".

14 SEC. 2. Paragraph (o) of section 3 of the Communica-
15 tions Act of 1934, as amended, is amended to read as
16 follows:

17 "(o) 'Broadcasting' means the dissemination of radio
18 communications intended to be received directly by the
19 public."

20 SEC. 3. Section 3 of such Act is amended by adding
21 after subsection (aa) the following:

22 "(bb) 'Station license', 'radio station license', or 'license'
23 means that instrument of authorization required by this Act
24 or the rules and regulations of the Commission made pursuant
25 to this Act, for the use or operation of apparatus for trans-

1 mission of energy, or communications, or signals by radio,
 2 by whatever name the instrument may be designated by the
 3 Commission.

4 “(cc) ‘Broadcast station’, ‘broadcasting station’, or ‘radio
 5 broadcast station’ means a radio station equipped to engage
 6 in broadcasting as herein defined.

7 “(dd) ‘Construction permit’ or ‘permit for construction’
 8 means that instrument of authorization required by this
 9 Act or the rules and regulations of the Commission made
 10 pursuant to this Act for the construction of a station, or the
 11 installation of apparatus, for the transmission of energy, or
 12 communications, or signals by radio, by whatever name the
 13 instrument may be designated by the Commission.”

14 SEC. 4. (a) Subsection (b) of section 4 of such Act
 15 is amended by striking out the last two sentences thereof
 16 and inserting in lieu of such sentences the following: “Such
 17 commissioners shall not engage in any other business, voca-
 18 tion, profession, or employment; but this shall not apply to
 19 the preparation of technical or professional publications
 20 for which a reasonable honorarium or compensation may
 21 be accepted. Not more than four members of the Com-
 22 mission shall be members of the same political party.”

23 (b) Paragraph (2) of subsection (f) of section 4 of
 24 such Act is amended by striking out “(2)” and inserting in

1 lieu thereof “(3)”; and such subsection (f) is further
2 amended by striking out paragraph (1) thereof and insert-
3 ing in lieu of such paragraph the following paragraphs:

4 “(f) (1) The Commission shall have authority, subject
5 to the provisions of the civil-service laws and the Classification
6 Act of 1949, as amended, to appoint such officers, engineers,
7 accountants, attorneys, inspectors, examiners, and other em-
8 ployees as are necessary in the exercise of its functions.

9 “(2) Without regard to the civil-service laws, but sub-
10 ject to the Classification Act of 1949, each commissioner may
11 appoint and fix the compensation of a professional assistant
12 who shall perform such duties as such commissioner shall
13 direct.”

14 (c) The first sentence of subsection (g) of section 4 of
15 such Act is amended to read as follows: “The Commission
16 may make such expenditures (including expenditures for rent
17 and personal services at the seat of government and else-
18 where), for office supplies, law books, periodicals, and books
19 of reference, for printing and binding, for land for use as
20 sites for radio monitoring stations and related facilities, in-
21 cluding living quarters where necessary in remote areas, for
22 the construction of such stations and facilities, and for the
23 improvement, furnishing, equipping, and repairing of such
24 stations and facilities and of laboratories and other related
25 facilities (including construction of minor subsidiary build-

1 ings and structures not exceeding \$25,000 in any one in-
2 stance) used in connection with technical research activities),
3 as may be necessary for the execution of the functions vested
4 in the Commission and as from time to time may be appro-
5 priated for by Congress.”

6 (d) Subsection (k) of section 4 of such Act is amended
7 to read as follows:

8 “(k) The Commission shall make an annual report to
9 Congress, copies of which shall be distributed as are other
10 reports transmitted to Congress. Such reports shall
11 contain—

12 “(1) such information and data collected by the
13 Commission as may be considered of value in the deter-
14 mination of questions connected with the regulation of
15 interstate and foreign wire and radio communication
16 and radio transmission of energy;

17 “(2) such information and data concerning the
18 functioning of the Commission as will be of value to
19 Congress in appraising the amount and character of the
20 work and accomplishments of the Commission and the
21 adequacy of its staff and equipment: Provided; That the
22 first and second annual reports following the date of en-
23 actment of the Communications Act Amendments, 1952,
24 shall set forth in detail the number and caption of pend-
25 ing applications requesting approval of transfer of con-

1 *trol or assignment of a broadcasting station license, or*
2 *construction permits for new broadcasting stations, or for*
3 *increases in power, or for changes of frequency of exist-*
4 *ing broadcasting stations at the beginning and end of the*
5 *period covered by such reports;*

6 . “(3) *information with respect to all persons taken*
7 *into the employment of the Commission during the year*
8 *covered by the report, including names, pertinent bio-*
9 *graphical data and experience, Commission positions*
10 *held and compensation paid, together with the names of*
11 *those persons who have left the employ of the Commis-*
12 *sion during such year: Provided, That the first annual*
13 *report following the date of enactment of the Communi-*
14 *cations Act Amendments, 1952, shall contain such infor-*
15 *mation with respect to all persons in the employ of the*
16 *Commission at the close of the year for which the report*
17 *is made;*

18 “(4) *an itemized statement of all funds expended*
19 *during the preceding year by the Commission, of the*
20 *sources of such funds, and of the authority in this Act*
21 *or elsewhere under which such expenditures were made;*
22 *and*

23 “(5) *specific recommendations to Congress as to*
24 *additional legislation which the Commission deems neces-*

1 sary or desirable, including all legislative proposals
2 submitted for approval to the Director of the Bureau of
3 the Budget.”

4 SEC. 5. Section 5 of such Act is amended to read as
5 follows:

6 “ORGANIZATION AND FUNCTIONING OF THE COMMISSION

7 “SEC. 5. (a) The member of the Commission designated
8 by the President as chairman shall be the chief executive
9 officer of the Commission. It shall be his duty to preside
10 at all meetings and sessions of the Commission, to represent
11 the Commission in all matters relating to legislation and
12 legislative reports, except that any commissioner may pre-
13 sent his own or minority views or supplemental reports,
14 to represent the Commission in all matters requiring con-
15 ferences or communications with other governmental officers,
16 departments or agencies, and generally to coordinate and
17 organize the work of the Commission in such manner as
18 to promote prompt and efficient disposition of all matters
19 within the jurisdiction of the Commission. In the case
20 of a vacancy in the office of the chairman of the Commission,
21 or the absence or inability of the chairman to serve, the
22 Commission may temporarily designate one of its members
23 to act as chairman until the cause or circumstances requiring
24 such designation shall have been eliminated or corrected.

1 “(b) Within six months after the enactment of the
2 Communications Act Amendments, 1952, and from time
3 to time thereafter as the Commission may find necessary,
4 the Commission shall organize its staff into (1) integrated
5 bureaus, to function on the basis of the Commission’s prin-
6 cipal workload operations, and (2) such other divisional
7 organizations as the Commission may deem necessary to
8 handle that part of its workload which cuts across more
9 than one integrated bureau or which does not lend itself
10 to the integrated bureau set-up. Each such integrated bureau
11 shall include such legal, engineering, accounting, adminis-
12 trative, clerical, and other personnel as the Commission may
13 determine to be necessary to perform its functions.

14 “(c) The Commission shall establish a special staff of
15 employees, hereinafter in this Act referred to as the ‘review
16 staff’, which shall consist of such legal, engineering, account-
17 ing, and other personnel as the Commission deems necessary.
18 The review staff shall be directly responsible to the Commis-
19 sion and shall not be made a part of any bureau or divi-
20 sional organization of the Commission. Its work shall not
21 be supervised or directed by any employee of the Commission
22 other than a member of the review staff whom the Commission
23 may designate as the head of such staff. The review staff
24 shall perform no duties or functions other than to assist the
25 Commission, in cases of adjudication (as defined in the Ad-

1 *ministrative Procedure Act) which have been designated for*
2 *hearing, by preparing, without recommendations, a summary*
3 *of the evidence presented at any such hearing, by preparing*
4 *without recommendations, after an initial decision but prior*
5 *to oral argument, a compilation of the facts material to the*
6 *exceptions and replies thereto filed by the parties, and by*
7 *preparing for the Commission or any member or members*
8 *thereof, without recommendations and in accordance with*
9 *specific directions from the Commission or such member or*
10 *members, memoranda, opinions, decisions, and orders. The*
11 *Commission shall not permit any employee who is not a*
12 *member of the review staff to perform the duties and func-*
13 *tions which are to be performed by the review staff; but*
14 *this shall not be construed to limit the duties and functions*
15 *which a professional assistant appointed pursuant to section*
16 *4 (f) (2) may perform for the commissioner by whom he*
17 *was appointed.*

18 “(d) (1) *The Commission is hereby authorized by*
19 *its order to divide the members thereof into not more than*
20 *three panels, each to consist of not less than three members.*
21 *Any commissioner may be assigned to and may serve upon*
22 *such panel or panels as the Commission may direct, and*
23 *each panel shall choose its own chairman. In case of a*
24 *vacancy in any panel, or of absence or inability to serve*
25 *thereon of any commissioner thereto assigned, the chairman*

1 of the Commission or any commissioner designated by him
2 for that purpose may temporarily serve on said panel
3 until the Commission shall otherwise order.

4 “(2) Except as provided in section 409, the Commis-
5 sion may by order direct that any of its work, business,
6 or functions arising under this or any other Act of Congress,
7 or referred to it by Congress or by either branch thereof, be
8 assigned or referred to any of said panels for action thereon,
9 and may by order at any time amend, modify, supplement,
10 or rescind any such direction.

11 “(3) In conformity with and subject to the order or
12 orders of the Commission in the premises, each panel so
13 constituted shall have power and authority by a majority
14 thereof to hear and determine, order, certify, report, or other-
15 wise act as to any of said work, business, or functions so
16 assigned or referred to it for action, and in respect thereof
17 shall have all the jurisdiction and powers conferred by law
18 upon the Commission, and be subject to the same duties and
19 obligations. Any order, decision, or report made or other
20 action taken by any of said panels in respect of any matters
21 so assigned or referred to it shall have the same force and
22 effect, and may be made, evidenced, and enforced in the same
23 manner as if made or taken by the Commission, subject to
24 rehearing by the Commission as provided in section 405 of
25 this Act for rehearing cases decided by the Commission. The

1 *secretary and seal of the Commission shall be the secretary and*
2 *seal of each panel thereof.*

3 “(e) (1) *Except as provided in section 409, the Com-*
4 *mission may by order assign or refer any portion of its*
5 *work, business, or functions arising under this or any other*
6 *Act of Congress, or referred to it by Congress or either branch*
7 *thereof, to an individual commissioner, or to a board com-*
8 *posed of an employee or employees of the Commission, to be*
9 *designated by such order for action thereon, and may by*
10 *order at any time amend, modify, supplement, or rescind*
11 *any such assignment or reference. In case of the absence,*
12 *or inability for any other reason to act, of any such indi-*
13 *vidual commissioner or of any employee designated to serve*
14 *upon any such board, the chairman of the Commission may*
15 *designate another commissioner or employee, as the case may*
16 *be, to serve temporarily until the Commission shall otherwise*
17 *order.*

18 “(2) *In conformity with and subject to the order or or-*
19 *ders of the Commission in the premises, any such individual*
20 *commissioner, or board acting by a majority thereof, shall*
21 *have power and authority to hear and determine, order,*
22 *certify, report, or otherwise act as to any of said work,*
23 *business, or functions so assigned or referred to him or*
24 *it for action, and in respect thereof shall have all the*
25 *jurisdiction and powers conferred by law upon the Com-*

1 mission and be subject to the same duties and obligations.
2 Any order, decision, or report made or other action taken
3 by any such individual commissioner or board in respect
4 of any matters so assigned or referred shall have the same
5 force and effect, and may be made, evidenced, and enforced
6 in the same manner as if made or taken by the Com-
7 mission, subject to rehearing by the Commission as provided
8 in section 405 of this Act for rehearing cases decided by the
9 Commission. Every petition for such a rehearing shall be
10 passed upon by the Commission. The Commission may
11 make and amend rules for the conduct of proceedings before
12 any such individual commissioner or board. The Secretary
13 and seal of the Commission shall be the secretary and seal
14 of such individual commissioner or board.

15 “(f) Nothing in this section contained, or done pursuant
16 thereto, shall be deemed to divest the Commission of any
17 of its powers.

18 “(g) Meetings of the Commission shall be held at regu-
19 lar intervals, not less frequently than once each calendar
20 month, at which times the functioning of the Commission
21 and the handling of its work load shall be reviewed and such
22 orders shall be entered and other action taken as may be
23 necessary or appropriate to expedite the prompt and orderly
24 conduct of the business of the Commission with the objective

1 of rendering a final decision (1) within three months from
2 the date of filing in all original application, renewal, and
3 transfer cases in which it will not be necessary to hold a
4 hearing, and (2) within six months from the final date
5 of the hearing in all hearing cases; and the Commission
6 shall promptly report to the Congress each such case which
7 has been pending before it more than such three- or six-
8 month period, respectively, stating the reasons therefor.”

9 SEC. 6. (a) Subsection (d) of section 307 of such Act is
10 amended to read as follows:

11 “(d) No license granted for the operation of a broad-
12 casting station shall be for a longer term than three years
13 and no license so granted for any other class of station shall
14 be for a longer term than five years, and any license granted
15 may be revoked or suspended as hereinafter provided. Upon
16 the expiration of any license, upon application therefor, a
17 renewal of such license may be granted from time to time for a
18 term of not to exceed three years in the case of broadcasting
19 licenses, and not to exceed five years in the case of other
20 licenses, if the Commission finds that public interest, con-
21 venience, and necessity would be served thereby. In order
22 to expedite action on applications for renewal of broadcast-
23 ing station licenses and in order to avoid needless expense
24 to applicants for such renewals, the Commission shall not

1 *require any such applicant to file any information which*
2 *previously has been furnished to the Commission or which*
3 *is not directly material to the considerations that affect the*
4 *granting or denial of such application. Pending any hear-*
5 *ing and final decision on such an application and the dis-*
6 *position of any petition for rehearing pursuant to section*
7 *405, the Commission shall continue such license in effect."*

8 (b) *Section 307 of such Act is amended by adding at*
9 *the end thereof the following subsection:*

10 "(f) *If the Commission, instead of granting the appli-*
11 *cation of a licensee for the renewal of its station license, grants*
12 *to another applicant a station license for the same or mutu-*
13 *ally exclusive facilities, and if the applicant for renewal*
14 *has operated substantially as set forth in the license and has*
15 *not willfully violated or failed to observe any of the restric-*
16 *tions and conditions of this Act or of any regulation of the*
17 *Commission authorized by this Act or by a treaty ratified by*
18 *the United States, then, if the applicant for renewal so re-*
19 *quests, the grant of the station license to the other applicant*
20 *shall be conditioned upon the purchase, by the other applicant,*
21 *of the physical plant and equipment theretofore used for sta-*
22 *tion purposes by the applicant for renewal, at a price equal*
23 *to the fair value of such plant and equipment, as determined*
24 *by the Commission."*

25 SEC. 7. (a) *So much of subsection (a) of section 308 of*

1 such Act as precedes the second proviso is amended to read
2 as follows: "The Commission may grant construction permits
3 and station licenses, or modifications or renewals thereof, only
4 upon written application therefor received by it: Provided,
5 That (1) in cases of emergency found by the Commission
6 involving danger to life or property or due to damage to
7 equipment, or (2) during a national emergency proclaimed
8 by the President or declared by the Congress and during
9 the continuance of any war in which the United States is
10 engaged and when such action is necessary for the national
11 defense or security or otherwise in furtherance of the war
12 effort, or (3) in cases of emergency where the Commission
13 finds, in the nonbroadcast services, that it would not be feasi-
14 ble to secure renewal applications from existing licensees or
15 otherwise to follow normal licensing procedure, the Com-
16 mission may grant construction permits and station licenses,
17 or modifications or renewals thereof, during the emergency
18 so found by the Commission or during the continuance of
19 any such national emergency or war, in such manner and
20 upon such terms and conditions as the Commission shall by
21 regulation prescribe, and without the filing of a formal
22 application, but no authorization so granted shall continue
23 in effect beyond the period of the emergency or war requir-
24 ing it:".

25 (b) The first sentence of subsection (b) of section 308

1 of such Act is amended by striking out the words "All such
 2 applications shall set forth" and inserting in lieu thereof
 3 "All applications for station licenses, or modifications or
 4 renewals thereof, shall set forth".

5 (c) Section 308 of such Act is amended by adding at
 6 the end thereof the following subsection:

7 "(d) The Commission shall not make or promulgate
 8 any rule or regulation, of substance or procedure, the pur-
 9 pose or result of which is to effect a discrimination between
 10 persons based upon interest in, association with, or owner-
 11 ship of any medium primarily engaged in the gathering and
 12 dissemination of information and no application for a con-
 13 struction permit or station license, or for the renewal, modifi-
 14 cation, or transfer of such a permit or license, shall be denied
 15 by the Commission solely because of any such interest,
 16 association, or ownership."

17 SEC. 8. Section 309 of such Act is amended to read
 18 as follows:

19 "ACTION UPON APPLICATIONS; FORM OF AND CONDITIONS
 20 ATTACHED TO LICENSES

21 "SEC. 309. (a) If upon examination of any application
 22 provided for in section 308 the Commission shall find that
 23 public interest, convenience, and necessity would be served
 24 by the granting thereof, it shall grant such application.

25 "(b) If upon examination of any such application the

1 Commission is unable to make the finding specified in sub-
2 section (a), it shall forthwith notify the applicant and
3 other known parties in interest of the grounds and
4 reasons for its inability to make such finding. Such
5 notice, which shall precede formal designation for a hearing,
6 shall advise the applicant and all other known parties in
7 interest of all objections made to the application as well as
8 the source and nature of such objections. Following such
9 notice, the applicant shall be given an opportunity to reply.
10 If the Commission, after considering such reply, shall be
11 unable to make the finding specified in subsection (a),
12 it shall formally designate the application for hearing
13 on the grounds or reasons then obtaining and shall
14 notify the applicant and all other known parties in
15 interest of such action and the grounds and reasons therefor,
16 specifying with particularity the matters and things in issue
17 but not including issues or requirements phrased generally.
18 *The parties in interest, if any, who are not notified by the
19 Commission of its action with respect to a particular applica-
20 tion may acquire the status of a party to the proceeding
21 thereon by filing a petition for intervention showing the basis
22 for their interest at any time not less than ten days prior to
23 the date of hearing. Any hearing subsequently held upon
24 such application shall be a full hearing in which the appli-
25 cant and all other parties in interest shall be permitted to

1 participate but in which both the burden of proceeding with
2 the introduction of evidence upon any issue specified by the
3 Commission, as well as the burden of proof upon all such
4 issues, shall be upon the applicant.

5 “(c) When any instrument of authorization is granted
6 by the Commission without a hearing as provided in subsec-
7 tion (a) hereof, such grant shall remain subject to protest as
8 hereinafter provided for a period of thirty days. During
9 such thirty-day period any party in interest may file a pro-
10 test under oath directed to such grant and request a hearing
11 on said application so granted. Any protest so filed shall
12 contain such allegations of fact as will show the protestant
13 to be a party in interest and shall specify with particularity
14 the facts, matters, and things relied upon, but shall not in-
15 clude issues or allegations phrased generally. The Commis-
16 sion shall, within fifteen days from the date of the filing of
17 such protest, enter findings as to whether such protest meets
18 the foregoing requirements and if it so finds the application
19 involved shall be set for hearing upon the issues set forth
20 in said protest, together with such further specific issues, if
21 any, as may be prescribed by the Commission. In any hear-
22 ing subsequently held upon such application all issues speci-
23 fied by the Commission shall be tried in the same manner
24 provided in subsection (b) hereof, but with respect to all
25 issues set forth in the protest and not specifically adopted by

1 the Commission, both the burden of proceeding with the
2 introduction of evidence and the burden of proof shall be
3 upon the protestant. The hearing and determination of
4 cases arising under this subsection shall be expedited by the
5 Commission and pending hearing and decision the effective
6 date of the Commission's action to which protest is made
7 shall be postponed to the effective date of the Commission's
8 decision after hearing, unless the authorization involved is
9 necessary to the maintenance or conduct of an existing
10 service, in which event the Commission shall authorize the
11 applicant to utilize the facilities or authorization in question
12 pending the Commission's decision after hearing.

13 “(d) Such station licenses as the Commission may
14 grant shall be in such general form as it may prescribe, but
15 each license shall contain, in addition to other provisions, a
16 statement of the following conditions to which such license
17 shall be subject: (1) The station license shall not vest in
18 the licensee any right to operate the station nor any right in
19 the use of the frequencies designated in the license beyond
20 the term thereof nor in any other manner than authorized
21 therein; (2) neither the license nor the right granted there-
22 under shall be assigned or otherwise transferred in violation
23 of this Act; (3) every license issued under this Act shall be
24 subject in terms to the right of use or control conferred by
25 section 606 hereof.”

1 *SEC. 9 Subsection (b) of section 310 of said Act is*
 2 *amended to read as follows:*

3 *“(b) No construction permit or station license, or any*
 4 *rights thereunder, shall be transferred, assigned, or disposed*
 5 *of in any manner, voluntarily or involuntarily, directly or*
 6 *indirectly, or by transfer of control of any corporation hold-*
 7 *ing such permit or license, to any person except upon applica-*
 8 *tion to the Commission and upon finding by the Commission*
 9 *that the public interest, convenience and necessity will be*
 10 *served thereby. Any such application shall be disposed of*
 11 *as if the proposed transferee or assignee were making applica-*
 12 *tion under section 308 for the permit or license in question;*
 13 *but in acting thereon the Commission may not consider*
 14 *whether the public interest, convenience, and necessity might*
 15 *be served by the transfer, assignment, or disposal of the*
 16 *permit or license to a person other than the proposed trans-*
 17 *feree or assignee.”*

18 *SEC. 10. Section 312 of such Act is amended to read*
 19 *as follows:*

20 *“ADMINISTRATIVE SANCTIONS*

21 *“SEC. 312. (a) Any station license may be revoked, or*
 22 *may be suspended for a period not to exceed ninety days, and*
 23 *any construction permit may be revoked—*

24 *“(1) for false statements knowingly made either in*

1 the application or in any statement of fact which may
2 be required pursuant to section 308;

3 “(2) because of conditions coming to the attention
4 of the Commission which would warrant it in refusing to
5 grant a license or permit on an original application;

6 “(3) for willful or repeated failure to operate sub-
7 stantially as set forth in the license;

8 “(4) for willful or repeated violation of, or willful
9 or repeated failure to observe, any provision of this Act
10 or any rule or regulation of the Commission authorized
11 by this Act or by a treaty ratified by the United States;
12 and

13 “(5) for violation of or failure to observe any cease
14 and desist order issued by the Commission under this
15 section.

16 “(b) Where any person (1) has failed to operate sub-
17 stantially as set forth in a license, or (2) has violated or
18 failed to observe any of the provisions of this Act, or
19 (3) has violated or failed to observe any rule or regulation
20 of the Commission authorized by this Act or by a treaty
21 ratified by the United States, the Commission may order such
22 person to cease and desist from such action.

23 “(c) Before revoking or suspending a license or revok-
24 ing a permit pursuant to subsection (a), or issuing a cease

1 *and desist order pursuant to subsection (b), the Commission*
2 *shall serve upon the licensee, permittee, or person involved*
3 *an order to show cause why an order of revocation or suspen-*
4 *sion or a cease and desist order should not be issued. Any*
5 *such order to show cause shall contain a statement of the*
6 *matters with respect to which the Commission is inquiring and*
7 *shall call upon said licensee, permittee, or person to appear*
8 *before the Commission at a time and place stated in the order,*
9 *but in no event less than thirty days after the receipt of such*
10 *order, and give evidence upon the matter specified therein;*
11 *except that where safety of life or property is involved, the*
12 *Commission may provide in the order for a shorter period.*
13 *If after hearing, or a waiver thereof, the Commission deter-*
14 *mines that an order of revocation or suspension or a cease and*
15 *desist order should issue, it shall issue such order, which shall*
16 *include a statement of the findings of the Commission and*
17 *the grounds and reasons therefor and specify the effective*
18 *date of the order, and shall cause the same to be served on*
19 *said licensee, permittee, or person.*

20 *“(d) Except insofar as other provisions of this Act pro-*
21 *vide for specific forfeitures, in any case where subsection (a)*
22 *or (b) of this section authorizes the revocation or suspension*
23 *of a license, the revocation of a construction permit, or the*
24 *issuance of a cease and desist order, and in any case where*
25 *section 303 (m) of this Act provides for the suspension of an*

1 operator's license, the Commission may, in lieu of revoking
2 or suspending the license, or revoking the permit, or issuing
3 the cease and desist order, or in addition to issuing the cease
4 and desist order, direct the payment of a forfeiture to the
5 United States of the sum of \$500 for each day during which
6 any offense specified in subsection (a) or (b) of this section,
7 or in section 303 (m), occurred, or such lesser sum as the
8 Commission may find appropriate in the light of all of the
9 facts and circumstances of the particular case. Before the
10 imposition of any forfeiture herein provided for, the Com-
11 mission shall serve a notice of apparent liability for the
12 forfeiture of a specific sum of money, which sum may be
13 determined by the Commission on the basis of information
14 then before it. Such notice shall give a reasonable oppor-
15 tunity to apply for a hearing, or, if a hearing is waived,
16 to submit a written request for remission, or reduction in
17 the amount, of the forfeiture, such written request to be sup-
18 ported by a statement of the facts warranting remission or
19 reduction. The Commission, upon final determination of
20 the amount of any forfeiture, shall give notice thereof and
21 specify the time, not less than thirty days after receipt of
22 notice, within which to pay such sum into the Treasury of
23 the United States. If not paid within the period specified,
24 suit may be brought as provided in section 504 of this Act
25 for recovery of a forfeiture. In any case where the Com-

1 mission has served an order to show cause pursuant to sub-
2 section (c) of this section, the Commission, after hearing or
3 waiver thereof as therein provided, may, in lieu of revoking
4 or suspending a license, or revoking a permit, or issuing a
5 cease and desist order, or in addition to issuing a cease and
6 desist order, in such proceeding, impose the forfeiture pro-
7 vided for in this subsection. If a hearing is waived, a reason-
8 able opportunity shall be given to submit a written request
9 for remission, or reduction in the amount of the forfeiture,
10 supported by a statement of the facts warranting remission
11 or reduction. Any forfeiture ordered after the service of an
12 order to show cause shall be collected as provided above.

13 “(e) In any case where a hearing is conducted pursuant
14 to the provisions of this section, both the burden of proceed-
15 ing with the introduction of evidence and the burden of proof
16 shall be upon the Commission.

17 “(f) The provisions of section 9 (b) of the Administra-
18 tive Procedure Act which apply with respect to the institution
19 of any proceeding for the suspension or revocation of a license
20 or permit shall apply also with respect to the institution,
21 under this section, of any proceeding for the issuance of a
22 cease and desist order or for the imposition of a forfeiture.”

23 SEC. 11. That section 315 of the Communications Act of
24 1934 (47 U. S. C. 315) is amended to read as follows:

1 *"FACILITIES FOR CANDIDATES FOR PUBLIC OFFICE*

2 *"SEC. 315. (a) If any licensee shall permit any legally*
3 *qualified candidate for any public office in a primary, gen-*
4 *eral, or other election, or any person authorized in writing*
5 *by such candidate to speak on his behalf, to use a broadcasting*
6 *station, such licensee shall afford equal opportunities in the*
7 *use of such broadcasting station to all other such candidates*
8 *for that office or to persons authorized in writing by such*
9 *other candidates to speak on their behalf.*

10 *"(b) The licensee shall have no power to censor the*
11 *material broadcast by any person who is permitted to use its*
12 *station in any of the cases enumerated in subsection (a) or*
13 *who uses such station by reason of any requirement specified*
14 *in such subsection; and the licensee shall not be liable in*
15 *any civil or criminal action in any local, State, or Federal*
16 *court because of any material in such a broadcast, except in*
17 *case said licensee shall willfully, knowingly, and with intent*
18 *to defame participate in such broadcast.*

19 *"(c) Except to the extent expressly provided in subsec-*
20 *tion (a), nothing in this section shall impose upon any licen-*
21 *see any obligation to allow the use of its broadcasting station*
22 *by any person.*

23 *"(d) The charges made for the use of any broadcasting*
24 *station for any of the purposes set forth in this section shall*

1 *not exceed the minimum charges made for comparable use of*
2 *such station for other purposes.*

3 *“(e) The Commission shall prescribe appropriate rules*
4 *and regulations to carry out the provisions of this section.”*

5 *SEC. 12. Such Act is amended by adding after section*
6 *315 the following section:*

7 *“MODIFICATION BY COMMISSION OF CONSTRUCTION*

8 *PERMITS OR LICENSES*

9 *“SEC. 316. (a) Any station license or construction*
10 *permit may be modified by the Commission either for a*
11 *limited time or for the duration of the term thereof, if in*
12 *the judgment of the Commission such action will promote*
13 *the public interest, convenience, and necessity, or the pro-*
14 *visions of this Act or of any treaty ratified by the United*
15 *States will be more fully complied with. No such order of*
16 *modification shall become final until the holder of the license*
17 *or permit shall have been notified in writing of the proposed*
18 *action and the grounds and reasons therefor, and shall have*
19 *been given reasonable opportunity, in no event less than*
20 *thirty days, to show cause by public hearing, if requested,*
21 *why such order of modification should not issue: Provided,*
22 *That where safety of life or property is involved, the Commis-*
23 *sion may by order provide for a shorter period of notice.*

24 *“(b) In any case where a hearing is conducted pur-*
25 *suant to the provisions of this section, both the burden of*

1 proceeding with the introduction of evidence and the burden
2 of proof shall be upon the Commission.”

3 SEC. 13. (a) The first sentence of subsection (a) of
4 section 319 of such Act is amended by striking out the words
5 “upon written application therefor”.

6 (b) Subsection (a) of section 319 of such Act is
7 amended by striking out the second sentence thereof, and the
8 third sentence thereof is amended by striking out “This
9 application shall set forth” and inserting in lieu thereof
10 “The application for a construction permit shall set forth”.

11 (c) Subsection (b) of section 319 of such Act is amended
12 by striking out the second sentence thereof.

13 (d) Such section 319 is amended by striking out the
14 last two sentences of subsection (b) thereof, and by inserting
15 at the end of such section the following subsection:

16 “(c) Upon the completion of any station for the con-
17 struction or continued construction of which a permit has
18 been granted, and upon it being made to appear to the
19 Commission that all the terms, conditions, and obligations set
20 forth in the application and permit have been fully met, and
21 that no cause or circumstance arising or first coming to the
22 knowledge of the Commission since the granting of the permit
23 would, in the judgment of the Commission, make the opera-
24 tion of such station against the public interest, the Commission
25 shall issue a license to the lawful holder of said permit for

1 *the operation of said station. Said license shall conform gen-*
 2 *erally to the terms of said permit. The provisions of section*
 3 *309 (a), (b), and (c) shall not apply with respect to any*
 4 *station license the issuance of which is provided for and*
 5 *governed by the provisions of this subsection."*

6 *SEC. 14. Section 402 of such Act is amended to read*
 7 *as follows:*

8 *"PROCEEDINGS TO ENJOIN, SET ASIDE, ANNUL, OR SUS-*
 9 *PEND ORDERS OF THE COMMISSION*

10 *"SEC. 402. (a) Any proceeding to enjoin, set aside,*
 11 *annul, or suspend any order of the Commission under this*
 12 *Act (except those appealable under subsection (b) of this*
 13 *section) shall be brought as provided by and in the manner*
 14 *prescribed in Public Law 901, Eighty-first Congress,*
 15 *approved December 29, 1950.*

16 *"(b) Appeals may be taken from decisions and orders*
 17 *of the Commission to the United States Court of Appeals*
 18 *for the District of Columbia in any of the following cases:*

19 *"(1) By any applicant for a construction permit*
 20 *or station license, whose application is denied by the*
 21 *Commission.*

22 *"(2) By any applicant for the renewal or modi-*
 23 *fication of any such instrument of authorization whose*
 24 *application is denied by the Commission.*

25 *"(3) By any party to an application for authority*

1 to transfer, assign, or dispose of any such instrument
2 of authorization, or any rights thereunder, whose appli-
3 cation is denied by the Commission.

4 “(4) By any applicant for the permit required by
5 section 325 of this Act whose application has been denied
6 by the Commission, or by any permittee under said
7 section whose permit has been revoked by the Commission.

8 “(5) By the holder of any construction permit or
9 station license which has been modified, suspended, or
10 revoked by the Commission.

11 “(6) By any other person who is aggrieved or
12 whose interests are adversely affected by any order of
13 the Commission granting or denying any application
14 described in paragraphs (1), (2), (3), and (4)
15 hereof.

16 “(7) By any person upon whom an order to cease
17 and desist has been served under section 312 of this
18 Act.

19 “(8) By any radio operator whose license has been
20 suspended by the Commission.

21 “(c) Such appeal shall be taken by filing a notice of
22 appeal with the court within thirty days from the date upon
23 which public notice is given of the decision or order com-
24 plained of. Such notice of appeal shall contain a concise
25 statement of the nature of the proceedings as to which the

1 *appeal is taken; a concise statement of the reasons on which*
2 *the appellant intends to rely, separately stated and numbered;*
3 *and proof of service of a true copy of said notice and*
4 *statement upon the Commission. Upon filing of such notice,*
5 *the court shall have jurisdiction of the proceedings and of*
6 *the questions determined therein and shall have power, by*
7 *order, directed to the Commission or any other party to*
8 *the appeal, to grant such temporary relief as it may deem*
9 *just and proper. Orders granting temporary relief may*
10 *be either affirmative or negative in their scope and applica-*
11 *tion so as to permit either the maintenance of the status quo*
12 *in the matter in which the appeal is taken or the restora-*
13 *tion of a position or status terminated or adversely affected*
14 *by the order appealed from and shall, unless otherwise or-*
15 *dered by the court, be effective pending hearing and deter-*
16 *mination of said appeal and compliance by the Commission*
17 *with the final judgment of the court rendered in said appeal.*

18 “(d) *Upon the filing of any such notice of appeal the*
19 *Commission shall, not later than five days after the date*
20 *of service upon it, notify each person shown by the records*
21 *of the Commission to be interested in said appeal of the*
22 *filing and pendency of the same and shall thereafter permit*
23 *any such person to inspect and make copies of said notice*
24 *and statement of reasons therefor at the office of the Com-*

1 mission in the city of Washington. Within thirty days after
2 the filing of an appeal, the Commission shall file with the
3 court a copy of the order complained of, a full statement in
4 writing of the facts and grounds relied upon by it in support
5 of the order involved upon said appeal, and the originals or
6 certified copies of all papers and evidence presented to and
7 considered by it in entering said order.

8 “(e) Within thirty days after the filing of any such
9 appeal any interested person may intervene and participate
10 in the proceedings had upon said appeal by filing with the
11 court a notice of intention to intervene and a verified state-
12 ment showing the nature of the interest of such party, together
13 with proof of service of true copies of said notice and state-
14 ment, both upon appellant and upon the Commission. Any
15 person who would be aggrieved or whose interest would be
16 adversely affected by a reversal or modification of the order
17 of the Commission complained of shall be considered an
18 interested party.

19 “(f) The record and briefs upon which any such appeal
20 shall be heard and determined by the court shall contain
21 such information and material, and shall be prepared within
22 such time and in such manner as the court may by rule
23 prescribe.

24 “(g) At the earliest convenient time the court shall hear

1 and determine the appeal upon the record before it in the
2 manner prescribed by section 10 (e) of the Administrative
3 Procedure Act.

4 “(h) In the event that the court shall render a decision
5 and enter an order reversing the order of the Commission,
6 it shall remand the case to the Commission to carry out the
7 judgment of the court and it shall be the duty of the Com-
8 mission, in the absence of the proceedings to review such
9 judgment, to forthwith give effect thereto, and unless other-
10 wise ordered by the court, to do so upon the basis of the
11 proceedings already had and the record upon which said
12 appeal was heard and determined.

13 “(i) The court may, in its discretion, enter judgment
14 for costs in favor of or against an appellant, or other inter-
15 ested parties intervening in said appeal, but not against the
16 Commission, depending upon the nature of the issues in-
17 volved upon said appeal and the outcome thereof.

18 “(j) The court’s judgment shall be final, subject, how-
19 ever, to review by the Supreme Court of the United States
20 upon writ of certiorari on petition therefor under section
21 1254 of title 28 of the United States Code, by the appellant,
22 by the Commission, or by any interested party intervening
23 in the appeal, or by certification by the court pursuant to the
24 provisions of that section.”

1 *SEC. 15. Section 405 of such Act is amended to read*
2 *as follows:*

3 *“REHEARINGS BEFORE COMMISSION*

4 *“SEC. 405. After a decision, order, or requirement has*
5 *been made by the Commission in any proceeding, any party*
6 *thereto, or any other person aggrieved or whose interests are*
7 *adversely affected thereby, may petition for rehearing; and it*
8 *shall be lawful for the Commission, in its discretion, to grant*
9 *such a rehearing if sufficient reason therefor be made to*
10 *appear. Petitions for rehearing must be filed within thirty*
11 *days from the date upon which public notice is given of any*
12 *decision, order, or requirement complained of. No such ap-*
13 *plication shall excuse any person from complying with or*
14 *obeying any decision, order, or requirement of the Commis-*
15 *sion, or operate in any manner to stay or postpone the*
16 *enforcement thereof, without the special order of the Com-*
17 *mission. The filing of a petition for rehearing shall not*
18 *be a condition precedent to judicial review of any such*
19 *decision, order, or requirement, except where the party seek-*
20 *ing such review (1) was not a party to the proceedings*
21 *resulting in such decision, order, or requirement, or (2)*
22 *relies on questions of fact or law upon which the*
23 *Commission has been afforded no opportunity to pass.*
24 *Rehearings shall be governed by such general rules as*

1 the Commission may establish. The time within which a
2 petition for review must be filed in a proceeding to which
3 section 402 (a) applies, or within which an appeal must be
4 taken under section 402 (b), shall be computed from the date
5 upon which public notice is given of orders disposing of all
6 petitions for rehearing filed in any case, but any decision,
7 order, or requirement made after such rehearing reversing,
8 changing, or modifying the original order shall be subject
9 to the same provisions with respect to rehearing as an origi-
10 nal order.”

11 SEC. 16. (a) Section 409 (a) of such Act is amended
12 to read as follows:

13 “SEC. 409. (a) In every case of adjudication (as
14 defined in the Administrative Procedure Act) which has been
15 designated for a hearing by the Commission, the hearing
16 shall be conducted by the Commission or by one or more
17 examiners provided for in section 11 of the Administrative
18 Procedure Act, designated by the Commission.

19 “(b) The officer or officers conducting a hearing to
20 which subsection (a) applies shall prepare and file an
21 initial decision, except where the hearing officer becomes
22 unavailable to the Commission or where the Commission
23 finds upon the record that due and timely execution of its
24 functions imperatively and unavoidably require that the
25 record be certified to the Commission for initial or final

1 decision. In all such cases the Commission shall permit
2 the filing of exceptions to such initial decision by any party
3 to the proceeding and shall, upon request, hear oral argu-
4 ment on such exceptions before the entry of any final de-
5 cision, order, or requirement. All decisions, including the
6 initial decision, shall become a part of the record and shall
7 include a statement of (1) findings and conclusions, as well
8 as the basis therefor, upon all material issues of fact, law,
9 or discretion, presented on the record; and (2) the appro-
10 priate decision, order, or requirement.

11 “(c) (1) In any case of adjudication (as defined in
12 the Administrative Procedure Act) which has been designated
13 for a hearing by the Commission, no examiner conducting
14 or participating in the conduct of such hearing shall, except
15 to the extent required for the disposition of ex parte matters
16 as authorized by law, consult any person (except another
17 examiner participating in the conduct of such hearing) on
18 any fact or question of law in issue, unless upon notice and
19 opportunity for all parties to participate. In the perform-
20 ance of his duties, no such examiner shall be responsible to
21 or subject to the supervision or direction of any person en-
22 gaged in the performance of investigative, prosecutory, or
23 other functions for the Commission or any other agency of
24 the Government. No examiner conducting or participating
25 in the conduct of any such hearing shall advise or consult

1 *with the Commission or any member or employee of the Com-*
 2 *mission (except another examiner participating in the conduct*
 3 *of such hearing) with respect to the initial decision in the*
 4 *case or with respect to exceptions taken to the findings, rulings,*
 5 *or recommendations made in such case.*

6 “(2) In any case of adjudication (as defined in the
 7 *Administrative Procedure Act) which has been designated*
 8 *for a hearing by the Commission, no commissioner, and no*
 9 *professional assistant appointed by a commissioner as au-*
 10 *thorized by section 4 (f) (2), shall (except to the extent*
 11 *required for the disposition of ex parte matters as authorized*
 12 *by law) consult on any fact or question of law in issue, or*
 13 *receive any recommendations from, any other person, unless*
 14 *upon notice and opportunity for all parties to participate;*
 15 *except that the foregoing provisions of this paragraph—*

16 “(A) shall not restrict consultation, or the making
 17 *of recommendations, between a commissioner and another*
 18 *commissioner or commissioners or between a commis-*
 19 *sioner and the professional assistant appointed by him*
 20 *under authority of section 4 (f) (2); and*

21 “(B) shall not restrict commissioners in obtaining
 22 *from members of the review staff the limited assistance*
 23 *authorized by section 5 (c).*

24 “(3) No person or persons engaged in the performance
 25 *of investigative or prosecuting functions for the Commission,*

1 or in any litigation before any court in any case arising
 2 under this Act, shall advise, consult, or participate in any
 3 case of adjudication (as defined in the Administrative Pro-
 4 cedure Act) which has been designated for a hearing by the
 5 Commission, except as a witness or counsel in public
 6 proceedings.

7 “(d) To the extent that the foregoing provisions of this
 8 section are in conflict with provisions of the Administra-
 9 tive Procedure Act, such provisions of this section shall be
 10 held to supersede and modify the provisions of that Act.”

11 (b) Subsections (b), (c), (d), (e), (f), (g), (h),
 12 (i), and (j) of section 409 are hereby redesignated as subsec-
 13 tions (e), (f), (g), (h), (i), (j), (k), (l), and (m),
 14 respectively.

15 SEC. 17. Section 410 (a) of such Act is amended by
 16 striking out the first sentence thereof, and by inserting in
 17 lieu of such sentence the following: “Except as provided in
 18 section 409, the Commission may refer any matter arising
 19 in the administration of this Act to a joint board to be com-
 20 posed of a member, or of an equal number of members, as
 21 determined by the Commission, from each of the States in
 22 which the wire or radio communication affected by or in-
 23 volved in the proceeding takes place or is proposed. For
 24 purposes of acting upon such matter any such board shall
 25 have all the jurisdiction and powers conferred by law upon

1 *the Commission, and shall be subject to the same duties and*
 2 *obligations."*

3 *SEC. 18. This Act shall take effect on the first day of the*
 4 *first month which begins more than sixty days after the date*
 5 *of its enactment, but—*

6 *(1) Insofar as the amendments made by this Act to the*
 7 *Communications Act of 1934 provide for procedural*
 8 *changes, requirements imposed by such changes shall not be*
 9 *mandatory as to any agency proceeding (as defined in the*
 10 *Administrative Procedure Act) initiated prior to the date*
 11 *on which this Act takes effect.*

12 *(2) The amendments made by this Act to section 402*
 13 *of the Communications Act of 1934 (relating to judicial*
 14 *review of orders and decisions of the Commission) shall not*
 15 *apply with respect to any action or appeal which is pending*
 16 *before any court on the date on which this Act takes effect.*

Passed the Senate February 5 (legislative day, January
 29), 1951.

Attest:

LESLIE L. BIFFLE,

Secretary.

Passed the House of Representatives with an amendment
 June 17, 1952.

Attest:

RALPH R. ROBERTS,

Clerk.

82^d CONGRESS
2^d SESSION

S. 658

AN ACT

To further amend the Communications Act
of 1934.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1952

Ordered to be printed with the amendment of the
House of Representatives